

**Amendments to the Drawings:**

The attached three sheets of drawings includes changes to Figs. 4-6. These sheets, which respectively include Fig., Fig. 5 and Fig. 6, replaces the original sheets respectively including Fig. 4, Fig. 5 and Fig. 6.

Attachment: Replacement Sheets for Fig. 4, Fig. 5 and Fig. 6.

## **REMARKS**

This paper is submitted in reply to the Office Action dated January 30, 2007, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, the drawings and the specification were objected to. In the subject Office Action, claims 35-36 were rejected under 35 U.S.C. § 101. Additionally, claims 1-4,6-9, 11-12, 16-21, 23-25, 27-28 and 31-36 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0199632 by Romero et al. (Romero). Furthermore, claims 5, 10, 13-15, 22, 26 and 29-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Romero in view of U.S. Patent No. 6,260,068 to Zalewski et al. (Zalewski).

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained. Applicants have amended claim 35 and canceled claim 36 to address the Examiner's § 101 rejection. Withdrawal of the §101 rejection is therefore respectfully requested.

With regard to the drawing objections, the Examiner will note that Applicants have amended the drawings and/or the associated text as required by the Examiner. Applicants respectfully submit that the drawings are now proper, and withdrawal of the objection is respectfully requested.

Next with regard to the specification, the Examiner will note that Applicants have amended the specification as required by the Examiner. Applicant respectfully submit that the specification is now proper, and withdrawal of the objection is respectfully requested. Applicants respectfully submit that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

Prior to turning with particularity to the art-based rejections, Applicants thank Examiner for the courtesy extended to Applicants' representative on April 27, 2007 in the form of a telephonic interview. During the interview, distinguishing features of the current claims were discussed in terms of the cited prior art, and Examiner agreed to consider them in light of the present arguments. More particularly, the discussion

centered around the fact that the present claims are drawn to managing standby resources as between a plurality of computers, while the cited references are each rather directed to processes of a single computer.

The cited prior art is typical of conventional capacity on demand applications. While the reserve processing systems of the cited art provide processing flexibility for an individual computer, the economies associated with the standby resources remain confined to the single, host computer. That is, the standby resources of each physical computer are constructed integrally with their respective computer. Thus, it is often unfeasible to physically remove and reapportion standby processors as between different physical, computers. As a consequence, scenario can develop where a user having two computers (each having a distinct set of standby resources) must activate additional standby resources on a first computer to handle an increased workload. At the same time, active standby resources of the second computer may remain underutilized. Such a situation may occur where computers are geographically dispersed and/or are subjected to peak work loads at different times. For instance, a company's computers may operate in different time zones. As such, while the user may theoretically have enough active standby resources between both computers to handle the workload of the computers, the standby resources cannot be practically physically distributed amongst the computers in proportion to their respective workloads to address the work requirement discrepancy. In such a circumstance, having to activate additional standby resources on the first computer negatively affects production quotas and can be viewed by the customer as frustrating and wasteful. Addition explanation and support for this scenario is found on page two of the application as filed.

Claimed embodiments of the present application address this issue by providing, as recited in claim 1, a method for managing usage of a plurality of standby resources included within a plurality of computers, wherein each computer of the plurality of computers includes at least one standby resource of the plurality of resources. The method includes limiting availability to a first standby resource included within a source computer of the plurality of computers; and programmatically transferring the availability

to a second standby resource included within a destination computer of the plurality of computers.

As such, presently claimed embodiments address conventional standby resource management limitations regarding a plurality of computers, where each of the computers includes their own standby resources. Romero does not address such limitations. More particularly, the disclosure of Romero does not address limiting or transferring an availability of a standby resource from a source computer to another, destination computer. As shown in Fig. 1, Romero is directed to a single, partitioned server computer 10 [0019]. Rather than transferring availability between different computers, as claimed, Romero discloses resource migration across partitions of a single computer 10 to accomplish load balancing [0011]. As such, Romero presents a conventional method of address load balancing using reserve processors within an individual computer, and does not teach, motivate or suggest limiting or transferring resources between multiple (source and destination) computers.

Because at least this feature is absent from Romero, Romero cannot properly be said to anticipate claim 1, and Applicants respectfully request that the Section 102 rejection of claim 1 be withdrawn.

Moreover, there is no motivation or suggestion within Romero of a system for transferring availability of a standby resource from a source computer to another, destination computer. As discussed above, Romero only suggests migrating reserve processors within a single computer.

This absence of the suggestion is not remedied by Zalewski, which similarly only suggests or motivates migrating resources from one partition of a computer to another partition of the same computer [Abstract and column 4, lines 43-45]. As such, any hypothetical combination of the cited art could only suggest or motivate migration resources within a single computer, not transferring a resource from a source to a destination computer. As such, Applicants respectfully submit that the prior art cited by the Examiner fails to disclose or suggest the claimed features. Reconsideration and allowance of claim 1, and of claims 2-15 that depend therefrom, are therefore respectfully requested.

Claim 16 recites an apparatus comprising a source computer including a first standby resource; a destination computer including a second standby resource; and program code in communication with at least one of the source and destination computers, the program code configured to initiate limiting availability to the first standby resource and to programmatically transfer the availability to the second standby resource.

As discussed above in connection with claim 1, the cited prior art does not disclose, motivate or suggest programmatically transferring or limiting availability as between different computers. Because at least this feature is absent and unsuggested by the cited art, Applicants respectfully requests reconsideration and allowance of claim 16, and of claims 17-30 that depend therefrom.

Claim 31 recites an apparatus comprising a processor in communication with both a source computer including a first standby resource and a destination computer including a second standby resource; and program code executable by the processor and configured to initiate limiting availability to the first standby resource and to programmatically transfer the availability to the second standby resource.

Similar to above, claim 31 includes limiting standby resource availability as between source and destination computers, a feature that is neither taught nor suggested by the cited prior art. As such, Applicants respectfully requests reconsideration and allowance of claim 31, and of claim 32 that depends therefrom.

Claim 33 as amended includes an apparatus comprising a processor; a source computer including a first standby resource in communication with the processor; and program code executable by the processor, the program code configured to initiate limiting availability to the first standby resource, wherein the availability is transferred to a second standby resource of a destination computer.

As discussed above, claim 33 includes transferring availability as between source and destination computers, which is neither taught nor suggested by the cited prior art. As such, Applicants respectfully requests reconsideration and allowance of claim 33.

Claim 34 as amended includes an apparatus comprising a processor; a destination computer including a first standby resource in communication with the processor; and

program code executable by the processor, the program code configured to initiate increasing availability to the first standby resource, wherein the availability is transferred from a second standby resource of a source computer.

Claim 34 thus includes limiting resource availability as between source and destination computers, which is neither taught nor suggested by the cited prior art. As such, Applicants respectfully requests reconsideration and allowance of claim 34.

Claim 35 recites a program product that comprises program code in communication with at least one of the source and destination computers having access to first and second standby resources, respectively, the program code configured to initiate limiting availability to the first standby resource and to programmatically transfer the availability to the second standby resource; and a signal bearing, computer-readable medium bearing the program code.

As discussed above in connection with claim 1, the cited prior art does not disclose, motivate or suggest programmatically transferring availability between different computers. Because at least this feature is absent and unsuggested by the cited art, Applicants respectfully requests reconsideration and allowance of claim 35, and of claim 36 that depends therefrom.

As a final matter, Applicants traverse the Examiner's rejections of the dependent claims based upon their dependency on the aforementioned independent claims. Nonetheless, Applicants do note that a number of these claims recite additional features that further distinguish these claims from the references cited by the Examiner. However, in the interest of prosecutorial economy, these claims will not be addressed separately herein.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits

are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

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Date

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